



## **AGENDA MEMO**

**CITY COUNCIL MEETING OF: OCTOBER 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-35383 - APPLICANT/OWNER: CITY OF LAS VEGAS**

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to Rezone the subject parcel from M (Industrial) and C-M (Commercial/Industrial) to C-2 (General Commercial) on 1.56 acres at 400 South Main. The proposed Rezoning is needed as the subject site is split zoned. If denied, the subject parcel would remain split zoned and incompatible with the current land use designation of C (Commercial). Also, the related Site Development Plan Review (SDR-34517) would not be permitted on the subject site. The proposed Rezoning to a C-2 (General Commercial) district will allow consistency with the existing General Plan designation of C (Commercial), therefore; staff is recommending approval of the subject Rezoning application.

**Issues:**

- Approval of the subject Rezoning and the associated Rezoning (ZON-35382) from C-M (Commercial/Industrial) to C-2 (General Commercial) is required to approve the related Site Development Plan Review (SDR-35417).
- Staff can support the Rezoning for the following reasons;
  - The Rezoning will allow compliance with the current land use designation of C (Commercial).
  - The Rezoning will allow one zoning designation on the subject site where a split zoned parcel currently exists.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
08/01/91	A deed was recorded for a change of ownership at 500 South Main Street.
10/28/99	The Planning Commission approved Site Development Plan Review (SD-0028-99) for a proposed 30,000 square foot two-story office building, C-M (Commercial/Industrial), M (Industrial) Zone, on 3.50 Acres on property located adjacent to the northwest corner of the intersection of Main Street and Bonneville Avenue.
01/12/04	A deed was recorded for a change of ownership at 400 South Main Street.

12/10/07	A Code Enforcement citation (#60486) was issued for business conducted on a vacant parcel at 500 South Main Street. Code Enforcement closed the case on 01/10/08.
02/18/09	The City Council approved a General Plan Amendment (GPA-32130) request to amend the trail alignment maps of the Master Plan Transportation Trails and Recreation Trails Elements to revise trail alignments. The Planning Commission and staff recommended approval of the request.
04/07/09	A Code Enforcement citation (#76531) was issued for razor wire, storage container, trucks with signage, lighting and parking on a dirt lot at 500 South Main Street. Code Enforcement closed the case on 04/15/09.
04/21/09	A Code Enforcement citation (#77366) was issued for illegal signage at 500 South Main Street. Code Enforcement closed the case on 05/06/09.
09/10/09	The Planning Commission recommended approval of companion items ZON-35383 and SDR-35417 concurrently with this application.  The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/bts).
<b><i>Related Building Permits/Business Licenses</i></b>	
11/18/91	A Building Permit (#91126487) was issued for a remodel at 500 South Main Street. The permit expired on 11/18/92.
01/08/92	A Building Permit (#92132230) was issued for a re-roof at 500 South Main Street. The permit expired on 11/18/92.
11/10/94	A Business License (M06-00468) was issued for Miscellaneous Sales at 500 South Main Street. The license was marked out of business on 07/04/06.
11/05/06	A Business License (R05-00517) was issued for Restaurant-Take Out Only at 500 South Main Street. The license was marked out of business on 04/23/09.
11/05/06	A Business License (S20-00493) was issued for Secondhand Dealer Class 1-A at 500 South Main Street. The license was marked out of business on 06/10/09.
06/04/09	A Business License (D02-00100) was issued for Distressed Merchandise Sale at 500 South Main Street. The license was marked out of business on 06/10/09.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was done internally, as the applicant is the City of Las Vegas.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required nor was one held.	
<b><i>Field Check</i></b>	
08/06/09	A field check was completed on the indicated date. Planning and Development identified the following items: <ul style="list-style-type: none"> <li>The subject site contained an existing building with associated parking surrounded by a larger undeveloped parcel.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.56 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Retail and Vacant	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
North	Warehouse and Parking Lot	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
South	Office	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
East	Office/Retail/Motel	C (Commercial)	C-M (Commercial/Industrial) and C-2 (General Commercial)
West	Undeveloped [Approved Site Development Plan Review (SDR- 32128) and Site Development Plan Review (SDR- 16267)]	MXU (Mixed Use)	PD (Planned Development)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan – (Office Core)	X		N
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District – (Office Core)	X		N
A-O Airport Overlay District – (200-Foot)	X		Y
Live/Work Overlay District	X		N/A
<b>Trails – (Multi-Use Non-Equestrian Trail) and (Tortoise Trail)</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is a Rezoning request to change the subject site's split zoning designation of C-M (Commercial/Industrial) and M (Industrial) to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use Developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors.

The C-2 (General Commercial) district is consistent with the existing C (Commercial) General Plan designation, which allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

The proposed Rezoning from C-M (Commercial/Industrial) and M (Industrial) to C-2 (General Commercial) would allow for consistency with the C (Commercial) General Plan land use designation. The Rezoning would allow for compatibility with the C-2 (General Commercial) zoning districts to the north and east of the subject site, therefore; staff is recommending approval the subject Rezoning application.

## FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. "The proposal conforms to the General Plan."**

The proposed Rezoning from a C-M (Commercial/Industrial) and M (Industrial) district to a C-2 (General Commercial) district will allow conformance to the C (Commercial) land use designation.

**2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. These uses are compatible with adjacent developments in the Downtown Las Vegas area.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The proposed Rezoning is appropriate due to the continuing redevelopment of Downtown Las Vegas area as the regional center for finance, business, governmental services, entertainment, recreation and gaming.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Access to the site is provided from Main Street a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Main Street is adequate in size for the proposed parking structure.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 3

**NOTICES MAILED** 38 by City Clerk

**APPROVALS** 0

**PROTESTS** 0